

REMARKS

Claims 1-9, 12 and 13 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

In the Advisory Action of June 16, 2003, the Examiner indicated that the Declaration which had previously been filed was not persuasive. The Examiner admits that the Declaration shows an inverse relationship between the agent and water absorption capacity. The Examiner also states that the Declaration indicates that the water absorbing component is hindered in its capability to absorb water. Moreover, the Examiner states that the Declaration does not support an agent having "substantially no decomposing action" as mentioned in claim 1.

By way of the present Preliminary Amendment, Applicants have changed the language of claims 1, 5, 12, and 13 so that the agent is described as "not causing a substantial reduction in water absorbing performance of" the superabsorbent polymer. This language is very similar to the Examiner's statement that the water absorbing component is hindered in its capability to absorb water. In view of the Examiner's statement, Applicants submit that the claims as amended now properly describe the invention in a manner so that the Declaration is applicable. In view of this, Applicants submit that the Declaration now properly points out a difference between the Paul reference and the present claimed invention. In view

of this, Applicants submit that claims 1-9, 12 and 13 are patentable over this reference.

Applicants also wish to point out that support for this new terminology is found in the original specification on page 6, lines 25 and 26. Accordingly, since the original specification includes this language, no new matter is being entered.

CONCLUSION

In view of the above remarks, it is believed that the claims now distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joseph A. Kolasch, #22,463

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

 JAK/RFG/ags
0445-0299P

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 5, 12 and 13 have been amended as follows:

1. (Amended) An absorbent article comprising a liquid retentive absorbent layer containing a superabsorbent polymer and a liquid-impermeable leak proof layer, wherein an agent having a skin care effect and [substantially no decomposing action on] not causing a substantial reduction in water absorbing performance of said superabsorbent polymer is fixed on a prescribed region of said absorbent article in a state ready to be released from that region on contact with moisture.

5. (Twice Amended) An absorbent article comprising a liquid retentive absorbent layer and a liquid-impermeable leak proof layer, wherein an agent having a prescribed effect on the skin of a wearer and [substantially no decomposing action on] not causing a substantial reduction in water absorbing performance of said absorbent layer is fixed with a water-soluble thickener on a prescribed region of said absorbent article.

12. (Amended) An absorbent article comprising a liquid-permeable top layer, liquid impermeable leak proof layer and a liquid retentive absorbent layer interposed between said top layer and said leak proof layer, said absorbent layer

containing a superabsorbent polymer, a main absorbing region in said top layer being provided with a skin-care composition consisting essentially of an agent which is released from said region, and dissolves or disburses in water upon contacting with a water content, said agent [having substantially no decomposing action on] not causing a substantial reduction in water absorbing performance of said superabsorbent polymer.

13. (Amended) An absorbent article comprising a liquid-permeable top layer, liquid impermeable leak proof layer and a liquid retentive absorbent layer interposed between said top layer and said leak proof layer, said absorbent layer containing a superabsorbent polymer, a main absorbing region in said top layer being provided with a skin-care composition consisting essentially of an agent which is released from said region, and dissolves or disburses in water upon contacting with a water content, and a water-soluble thickener which fixes said agent on said region, said agent [having substantially no decomposing action on] not causing a substantial reduction in water absorbing performance of said superabsorbent polymer.